

**District of Columbia
Air Quality Operating Permit**

**THE LANE CONSTRUCTION CORPORATION
Asphalt Plant
Draft Title V operating permit
Permit # 036**

**Air Quality Division
Environmental Health Administration**

TABLE OF CONTENTS

A. General Permit Conditions	1
B. Emission Units, Limits and Other Applicable Requirements	2
C. Testing Requirements	5
D. Monitoring Requirements	6
E. Reporting Requirements	7
F. Record Keeping Requirements	11
G. Certification Requirements	12
H. Fees	12
I. Compliance	12
J. Entry and Inspection Requirements	13
K. Compliance Schedule	13
L. Enforcement	13
M. Construction, Installation, or Alteration	14
N. Duty to Provide Supplemental Information	14
O. Permit and Application Consultation	15
P. Permit Availability	15
Q. Permit Renewal, Expiration, and Reopening	15
R. Property Rights	15
S. Severability	15
T. Economic Incentives	15
U. Section 502(b)(10) Changes	16
V. Off-Permit Changes	16
W. Risk Management	16
X. Protection of Stratospheric Ozone	16
Y. Miscellaneous	18
Z. Permit Shields	18
AA. Alternative Operating Scenarios	18
AB. Emission Trading and Averaging	18

Permit No. 037

Effective Date:

Expiration Date:

Pursuant to the requirements of Chapter 3, Operating Permits, of Title 20 of the District of Columbia Municipal Regulations (20 DCMR), the District of Columbia Air Quality Division hereafter referred to as "the District" as the duly delegated agency, hereby grants approval to operate the emission units listed in Section B of this permit subject to the terms and conditions of this permit. All terms and conditions of this permit are enforceable by the District and by the U.S. Environmental Protection Agency (EPA) unless specifically designated as enforceable by the "District only" as annotated by the asterisk "*".

SUBJECT TO THE TERMS AND CONDITIONS OF THIS PERMIT, approval to operate is granted to:

Permittee

Plant Site

The Lane Construction Corporation
965 East Main Street
Meriden, CT 06450-6004

The Lane Construction Corporation
60 "P" Street, S.E.
Washington, D.C. 20003

A. General Permit Conditions

The Lane Construction Corporation hereafter referred to as Permittee, shall comply with the following general requirements:

1. Open fires shall be prohibited at Permittee, except as otherwise provided for by 20 DCMR 604.2. [20 DCMR 604].
2. Permittee must ensure that fugitive dust from any material handling or other industrial-type operation or process is prohibited 20 DCMR 605.2].
3. Permittee must ensure that stationary sources and fuel burning equipment, including associated air pollution control equipment, are maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions [20 DCMR 606.3].
4. Permittee shall adhere to the requirements of 20 DCMR 800* pertaining to handling of asbestos-containing materials.
5. Permittee shall not purchase, sell, store or burn fuel oil that contains more than 1% sulfur by weight at the facility [20 DCMR 801].
6. Permittee shall ensure that the provisions of 20 DCMR 900* pertaining to engine

idling are met at the facility.

7. Permittee shall ensure that its motor fleet is maintained to meet the requirements of 20 DCMR 901 [20 DCMR 901*].
8. Permittee shall ensure that gasoline sold at the facility should contain no more than one gram of lead per gallon [20 DCMR 902*].
9. Permittee shall operate in compliance with the odor regulations of 20 DCMR [20 DCMR 903*].
10. In the event of an emergency as defined by 20 DCMR 399.1, noncompliance with these emission limits shall be subject to the provisions of 20 DCMR 302.7 [20 DCMR 302.7].

B. Emission Units, Limits and Other Applicable Requirements

This operating permit identifies emission units based on information provided by Permittee and cites specific applicable regulations from 20 DCMR, as well as the Code of Federal Regulations (CFR). These cited regulations and rules stipulate the conditions under which Permittee shall operate; the control equipment (where applicable) that should be utilized to minimize air pollution; the monitoring, record keeping and reporting requirements that will enable Permittee to demonstrate, to the District and EPA, compliance with the regulatory requirements.

All emission units listed in this section must comply with the following emission limits, standards and other requirements specified herein, and elsewhere in this permit [20 DCMR 300]:

1. Emission unit-1: 120 million Btu per hour Ecostar, Model ES-115, burner.

- a. The burner is permitted to burn natural gas. Whenever gas supply is interrupted, burner-1 can burn fuel oil #2 [20 DCMR 200.2] and permit conditions of approval permit #5523.
- b. Permittee shall store or use fuel oil that contains no greater than 1% sulfur by weight [20 DCMR 801.1].
- c. The discharge of particulate matter into the atmosphere from the drum mixer shall not exceed 0.03 grains per dry standard cubic foot of exhaust [20 DCMR 603.1]. By meeting this requirement, the source is deemed to have complied with the New Source Performance Standards (NSPS) of 40 CFR part 60.92(a)(1).
- d. Recycled asphalt pavement (RAP) is permitted to be used in the production of asphalt at the plant at the rate of 23% of the total mix. [Condition 4 of Permit #5523]

- e. The production rate shall not exceed 320 tons per hour, and the rolling total production shall not exceed 400,000 tons per year. The rolling total production, determined for the previous twelve calendar month, must be calculated and recorded at the end of each month. [Condition 5 of Permit #5523]
- f. Compliance with the production limitation in “condition e “ of this permit shall be demonstrated by the following formula: [Condition 6 of Permit #5523]
- $$X_1 + X_2 + X_3 + X_4 + X_5 + X_6 + X_7 + X_8 + X_9 + X_{10} + X_{11} + X_{12} \leq 400,000 \text{ Tons, where}$$
- X_{12} = Asphalt production during the most recent month (12th month) of the last twelve (12) calendar months, Tons;
- X_{11} = Asphalt production during the next most recent month (11th month) of the last 12 calendar months, Tons;
- X_{10} = Asphalt production during the 10th month of the last 12 calendar months, Tons;
- X_9 = Asphalt production during the 9th month of the last 12 calendar months, Tons;
- X_8 = Asphalt production during the 8th month of the last 12 calendar months, Tons;
- X_7 = Asphalt production during the 7th month of the last 12 calendar months, Tons;
- X_6 = Asphalt production during the 6th month of the last 12 calendar months, Tons;
- X_5 = Asphalt production during the 5th month of the last 12 calendar months, Tons;
- X_4 = Asphalt production during the 4th month of the last 12 calendar months, Tons;
- X_3 = Asphalt production during the 3rd month of the last 12 calendar months, Tons;
- X_2 = Asphalt production during the 2nd month of the last 12 calendar months, Tons; and
- X_1 = Asphalt production during the first month of the last 12 calendar months, Tons.
- g. Permittee must perform combustion adjustments annually on the kiln. Before May 1 of each year, Permittee will adjust the combustion process of emission unit-1 to minimize the formation of carbon monoxide and the oxides of nitrogen.
- h. No visible emissions shall be emitted into the outdoor atmosphere; except that discharges less than 20% opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minutes period and for an aggregate of twelve minutes in any twenty-

four hour (24 hr) period during start-up, cleaning, soot blowing, adjustment of combustion control or malfunction of equipment. [20 DCMR 606.1]. By meeting this requirement, the source is deemed to have complied with 40 CFR Part 60.92(a)(2).

- i. Permittee will sample and test fuel oil at least once each calendar quarter and determine: the fuel's grade, API Gravity at 60 degrees Fahrenheit, heat content in BTUs per gallon, and the weight percent sulfur of the oil. Alternatively, Permittee may obtain the test results from the fuel oil supplier at the time of delivery. Regardless of where the testing is performed, the certified results must include the fuel oil's grade, API Gravity at 60 degrees Fahrenheit using ASTM test Method D-298, heat content in BTUs per gallon using ASTM test Method D-240, and weight percent sulfur using ASTM test Method D-4294. See **Reporting Requirements, Quality** of Fuel Report below [20 DCMR 502].
 - j. Permittee will conduct daily observations of emissions from each emission unit that is being operated. If emissions are visible, Permittee must report the occurrence to the District and make arrangements for opacity observation by a certified person. In the event that there is no recorded or reported opacity violation, each year, Permittee will conduct a visible emissions test for emission unit -1. Any visible emissions test must consist of 30 minutes of opacity observations, performed by a certified opacity reader using the U.S. EPA's Reference Method 9 (see 40 CFR Part 60, Appendix A, Method 9). The visible emissions test will be performed while the burner is firing #2 fuel oil [20 DCMR 502].
 - k. The maximum heat output from the Ecostar burner shall be limited to 120 million BTU per hour and emissions of nitrogen oxide (NO_x) shall not exceed one-tenth (0.1) pound per million BTU when burning natural gas.
2. Emission Unit BH-1: One CMI Roto-Aire Baghouse Fabric Filter.
- a. No fugitive emissions shall be emitted into the outdoor atmosphere from baghouse [20 DCMR 605.2]
 - b. The baghouse must remain operative or effective, and must not be removed and shall operate at less than 3.0 H₂O pressure drop. [20 DCMR 107.1]
 - c. Whenever it is necessary to shutdown any of the control equipment, i.e., baghouse, Permittee must report the planned shutdown to the District at least 48 hours prior to shutdown. The prior notice must include, but is not limited to, the following [20 DCMR 107.2]:
 - d. The emission of fugitive dust from material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [Condition 12 permit #5523]

- e. The emission of odorous or other air pollutions from the asphalt plant in any quantity and of any characteristic, and duration which is, or is likely to be public health or welfare, or which interferes with the reasonable enjoyment of life and property is prohibited. [Condition 13 permit #5523]
- (1) Identification of the specific facility to be taken out of service, as well as its location and permit number;
 - (2) The expected length of time that the air pollution control equipment will be out of service;
 - (3) The nature and quantity of air pollutants likely to occur during the shutdown period;
 - (4) Measures that will be taken to minimize the length of shutdown period; and
 - (5) The reasons that it would be impossible or impractical to shutdown the source operation during the maintenance period.

C. Testing Requirements

1. Permittee will comply with the following testing requirements [20 DCMR 302.1(c)(1)]:

a. Emission units -1

- (1) Permittee will sample and test fuel oil in all fuel burning equipment at least once each calendar quarter and determine: the fuel's grade, API Gravity at 60 degrees Fahrenheit, heat content in BTUs per gallon, and the weight percent sulfur of the oil. Alternatively, Permittee may obtain the test results from the fuel oil supplier at the time of delivery. Regardless of where the testing is performed, the certified results must include the fuel oil's grade, API Gravity at 60 degrees Fahrenheit using ASTM test Method D-1298, heat content in BTUs per gallon using ASTM test Method D-240, and weight percent sulfur using ASTM test Method D-4294. See **Reporting Requirements**, Quality of Fuel Report below [20 DCMR 502].
- (2) Before May 1 of each year, Permittee will adjust the combustion process of emission unit-1 to minimize the formation of carbon monoxide and the oxides of nitrogen. Adjustments must be made annual and shall include, at a minimum, the following [20 DCMR 805.5 & 805.8]*:
 - a. Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
 - b. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO; and

- c. Inspection of the air-to fuel ratio control system and adjustments necessary to ensure proper calibration as specified by the manufacturer..
 - (3) Permittee will conduct daily observations of emissions from each emission unit that is being operated. If emissions are visible, Permittee must report the occurrence to the District and make arrangements for opacity observation by a certified person. Regardless of recording or reporting no opacity violation during a year, Permittee will conduct a minimum of one visible emissions test for emission unit-1. Any visible emissions test must consist of 30 minutes opacity observations, performed by a certified opacity reader using the U.S. EPA's Reference Method 9 (see 40 CFR Part 60, Appendix A, Method 9). The visible emissions test will be performed for each stack while burner providing flue gas to that stack fire #2 fuel oil [20 DCMR 502].
 - (4) Permittee must test for particulate matter emissions once a year in order to demonstrate continuous compliance with the particulate matter emission limit of 0.03 grains [20 DCMR 603.1]. Test must be done in accordance with 40 CFR 60.93 (b) using U.S. EPA's Reference method 5 and [20 DCMR 502.5].
2. Permittee must provide the District with written notification at least 10 days prior to a required test so that air quality enforcement personnel can observe on site testing. Permittee must submit a test protocol for review and approval by the District thirty days prior to scheduled testing [20 DCMR 502].

D. Monitoring Requirements

To demonstrate compliance with the terms of this permit, Permittee must do the following [20 DCMR 302.1(c)(B)]:

1. Keep records of fuel use for all emission units showing therms of gas, gallons and grade of oil burned and the results of tests performed to determine the quality of such fuels. This information must be recorded and submitted to the District as indicated in the Record keeping and Reporting Requirements section of this permit.
2. Keep records of visible emissions observations and tests showing date/time of tests, test results, corrective actions taken, if any, and submit results in semi-annual and annual certification reports.
3. Keep a log of routine maintenance operations of the baghouse consistent with the manufacturers specifications including monitoring pressure drops across the bags daily, the dates filters are replaced and number replace, and number of filters stored for emergencies. The information must be maintained at the facility, and any deviations from normal pressure drops must be justified and reported.

E. Reporting Requirements

1. Semi-annual Report: Permittee must submit a report of fuel use and opacity observations per the testing and monitoring requirements of this permit. In order to coincide with the Annual Certification Report, such reports may be submitted by February 1 and August 1 of each year. Such reports shall identify any deviations from permit requirements since the previous report, and any deviations from the monitoring, record keeping, testing and reporting requirements under this permit shall be reported [20 DCMR 302.1(c)(3)(A)&(B)].
2. Annual Certification Report: By February 1 of each year, Permittee must submit to the District and the U.S. Environmental Protection Agency an Annual Certification Report certifying compliance with the terms and conditions of this permit. The report must cover the period from January 1 through December 31 of the previous year. [20 DCMR 302.1(c)(3) and 302.3(e)(1)]
 - a. The report must:
 - (1) Identify each term or condition of the permit that is the basis for certification;
 - (2) State the permittee's current compliance status;
 - (3) State whether compliance has been continuous or intermittent during the reporting period;
 - (4) State the testing, monitoring, and record keeping methods used to determine compliance status over the reporting period.
 - b. The report must include the following information.
 - (1) For all fuel burning equipment:
 - (a) Fuel Burning Equipment Forms: The forms must summarize the thermos of gas, gallons and grade of fuel oil burned during the reporting period [20 DCMR 500.1].
 - (b) Quality of Fuel Information: Permittee must sample and test the fuel oil burned in its burners at least once each calendar quarter. For each sample, Permittee must provide [20 DCMR 502]:
 - (i) the fuel oil grade,
 - (ii) the API Gravity at 60 degrees Fahrenheit,
 - (iii) the heat content in BTUs per gallon,
 - (iv) the weight percent sulfur of the fuel oil,
 - (v) the date and time the sample was taken,

- (vi) the name, address and telephone number of the laboratory that analyzed the sample,
- (vii) the type of test or test method performed.

In lieu of sampling and testing fuel oil each quarter, Permittee can submit fuel receipts and fuel supplier certifications that provide the above quality of fuel data.

Annual Report: A report that consists of monthly fuel usage and asphalt productions and consumptions recorded on a monthly basis shall be submitted to this office no later 15th day of February each year.

- c) Boiler Adjustment Data: By May 1 of each year, Permittee must adjust the combustion of each boiler to minimize emissions of carbon monoxide (CO) and the oxides of nitrogen (NO_x). The Annual Certification Report must provide sufficient data to substantiate that each boiler has been adjusted to minimize the NO_x emission rate in ppmvd and the CO emission rate in ppmvd. At a minimum, Permittee must provide for each emission unit: the dates and times the boilers were adjusted; the name, address and telephone number of the tester/adjusted. [20 DCMR 805.8]*
 - (d) Visible Emissions Test Data: At least once each year, Permittee must conduct the U.S. Environmental Protection Agency's Reference Method 9 to demonstrate compliance with visible emission regulations. At a minimum, Permittee must provide: the date and time of the test; the name, address and telephone number of the tester; the certification of the Method 9 observer; the emission units on line at the time of the test; the boiler load expressed in pounds per hour steam during the test period; the fuel fired during the test and 3 hours of opacity observations.[20 DCMR 502]
 - (e) Baghouse Maintenance Information: Permittee must include a certification that baghouse was maintained in accordance with manufacturer's specifications, and a report of any deviations from normal pressure drops across the bags with justifications for such deviations [20 DCMR 107].
3. Progress Reports: If Permittee is subject to the requirements of a compliance schedule, it must submit progress reports that contain the following [20 DCMR 302.3(d)]:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and date when such activities, milestones or compliance were achieved; and
 - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective actions measures adopted.
4. Notifications and Supplemental Reports: Permittee must submit the following notifications and supplemental reports: Notifications or reports submitted pursuant to a and b below

must contain the following information: the date of the deviation, the time of the deviation, the emission unit involved, the duration and cause of the deviation and what actions Permittee took to correct or prevent the deviation. [20 DCMR 302.1(c)(3)(C)]

- a. Emergencies: If Permittee experiences an emergency, as defined in 20 DCMR 399.1, which results in the breach of a permit condition or exceedance of an emission limit, Permittee must submit a written notice to the District within two working days of the date Permittee becomes aware of the emergency. If the conditions of 20 DCMR 302.7(b) are not followed, Permittee cannot assert the existence of an emergency as an affirmative defense to an action brought for non-compliance with a technology based emission limitation.
 - b. Threat to Public Health Safety and the Environment: Permittee must immediately report any permit deviation that poses an imminent and substantial danger to public health, safety or the environment.[20 DCMR 107]
 - c. Operational Flexibility: Prior to making a change as provided for in the permit section titled Section 502(b)(10) Changes, Permittee will give written notice to the District and the US-EPA at least seven calendar days before the change is to be made. The seven calendar day period may be shortened or eliminated for an operational change that must be implemented more quickly to address unanticipated conditions that pose a significant health, safety, or environmental hazard. If less than a seven calendar day notice is given, Permittee must provide notice to the District as soon as possible after learning of the need to make the change. In the notice, Permittee must, substantiate why seven day advance notice could not be given. Written notices must include the following information [20 DCMR 302.8]:
 - (1) the change to be made;
 - (2) the date on which the change will occur;
 - (3) any changes in emissions;
 - (4) any permit terms and conditions that are affected, including any new applicable requirements.
 - d. Off-permit changes: Permittee must provide contemporaneous written notice to the District and EPA. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change. [20 DCMR 302.9(b)].
5. A responsible official must certify all notifications, reports and other documentation required by this permit. [20 DCMR 302.1(c)(3)(D)]:
 6. Nothing in this permit shall relieve Permittee from any reporting requirements under

federal or District of Columbia regulations.

7. Upon receipt of a written request and within 15 days, the permittee must furnish to the District, any information the District requests to determine whether cause exists for, reopening, or revoking the permit or to determine compliance with the permit. Upon request, the permittee must also furnish the District with copies of records required to be kept by the permit. [20 DCMR 302.1(g)(5)]
8. Permittee may request confidential treatment of information submitted in any report required by this permit pursuant to the limitations and procedures in 20 DCMR 301.1(c). [20 DCMR 302.1(c)(3)(E)] and [20 DCMR 106]
9. Annual Certification Reports, notifications, supplemental reports and other documentation required by this permit must be sent to [20 DCMR 302.3(e)(4)]:

Air Quality Division
Compliance and Enforcement Chief
51 N Street N.E., 5th Floor
Washington, DC 20002-3323

10. A copy of the Annual Certification Reports must be sent to [20 DCMR 302.3(e)(4)]:

U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19107
Attn.: Associate Director of Enforcement (3AP00)

F. Record Keeping Requirements

1. Where applicable to the monitoring, reporting or testing requirements of this permit, Permittee shall keep records as shown below [20 DCMR 302.1(c)(2)(A)(I-vi)]:
 - a. the date, place as defined in permit, and time of sampling or measurements;
 - b. the date(s) analyses were performed;
 - c. the company or entity that performed the analyses;
 - d. the analytical techniques or methods used;
 - e. the result of such analyses; and
 - f. the operating conditions as existing at the time of sampling or measurement.
2. Permittee must keep and maintain records of all testing results, monitoring information,

records and reports required by this permit for a period of at least five years from the date of such test, monitoring sample, measurement or report. [20 DCMR 302.1(c)(2)(B)]

3. Permittee must keep and maintain, in a permanently bound log book, records of all combustion process adjustments and such records must include the following [20 DCMR 805.8]*:
 - a. The date on which the combustion process was last adjusted;
 - b. The name, title, affiliation of the person who made the adjustment;
 - c. Any other information that the Department may require.
4. If 502(b)(10) changes are made, Permittee must maintain a copy of the notice with the permit [20 DCMR 302.8(a)].
5. If off-permit changes are made, Permittee must keep a record of all such changes that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes [20 DCMR 302.9(d)].

G. Certification Requirements

Any document including application form, report or compliance certification submitted to the District pursuant to this permit must contain a signed certification by a responsible official with the following language: **"I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."** [20 DCMR 301.4]

H. Fees

Permittee shall pay fees equal to the amount calculated by methods consistent with 20 DCMR 305. The fees shall be paid no later than May 6 every year beginning on May 6, 1998 and annually thereafter. The check for the fees shall be made payable to the D.C. Treasurer and mailed to:

Attn: Program Manager
Air Quality Division
51 N Street, NE, 5th Floor
Washington, D.C. 20020

I. Compliance

1. Permittee will comply with all the terms and conditions of this permit. Any non-

compliance with this permit constitutes a violation of the federal Clean Air Act and/or District regulations and is grounds for permit enforcement action, permit revocation, permit modification or denial of permit renewal. [20 DCMR 302.1(g)(1)]

2. In any enforcement action, Permittee cannot claim that it had to halt or reduce a permitted activity in order to maintain compliance with this permit. [20 DCMR 302.1(g)(2)]
3. To demonstrate compliance, Permittee must submit an Annual Certification Report to the District not later than February 1 each year certifying compliance with all permit conditions. [20 DCMR 302.3(e)(1)]
4. Nothing in this permit shall be interpreted to preclude the use of any credible evidence to demonstrate compliance or non-compliance with any term or condition of this permit [40 CFR 61.12].

J. Entry and Inspection Requirements

1. Upon presentation of identification, Permittee will allow authorized officials of the Air Quality Division to [20 DCMR 302.3(b)]:
 - a. Enter premises where an emission unit is located or an emission related activity is conducted or where records required by this permit are kept;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;
 - c. Inspect, at reasonable times any facility, equipment including monitoring and air pollution control equipment, practice, or operation regulated or required under this permit; and
 - d. Sample or monitor, at reasonable times, any substance or parameter for the purpose of assuring compliance with this permit or any applicable requirement.

K. Compliance Schedule

1. Permittee must continue to comply with all applicable requirements, and meet in a timely manner, applicable requirements that become effective during the term of this permit [20 DCMR 310.3(h)(3)].

L. Enforcement

1. Failure to comply with the federally enforceable terms and conditions of this permit constitutes a violation of the federal Clean Air Act. The District, the U.S. Environmental Protection Agency and/or citizens may enforce federally enforceable permit terms and conditions. [20 DCMR 302.2(a)]

2. Failure to comply with the terms and conditions of this permit designated as District only requirement constitutes a violation of the District of Columbia regulations. The District will enforce these permit terms and conditions. [20 DCMR Chapter 1]
3. Failure to comply with permit terms and conditions is grounds for enforcement action, including but not limited to: permit termination, revocation, or a denial of a permit renewal [20 DCMR 302.1(g)(1)]; and/or administrative, civil or criminal enforcement action. [20 DCMR 105]
4. In any enforcement proceeding, Permittee shall have the burden of proof when seeking to establish the existence of an emergency. [20 DCMR 302.7(c)]
5. This permit may be amended, reopened, modified, revoked, or reissued for cause in accordance with 20 DCMR 303. Except as provided under 20 DCMR 303.5, the filing by Permittee of a request for a permit revision, termination, or a notification of planned changes or anticipated noncompliance, does not stay any term or condition of this permit. [20 DCMR 302.1(g)(3)]

M. Construction, Installation, or Alteration

Permittee shall not initiate construction, installation, or modification of any equipment or facility which emits or controls air pollutants prior to obtaining a construction permit from the District in accordance with 20 DCMR 200, and a revision of the operating permit (Title V) in accordance with 20 DCMR 300.

N. Duty to Provide Supplemental Information

1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, Permittee shall promptly submit to the District such supplementary facts or corrected information. [20 DCMR 301.2]
2. Permittee will promptly submit to the District the information necessary to address any requirement that applies to Permittee after the date Permittee completed a permit application [20 DCMR 301.2]
3. Upon receipt of a written request, Permittee will furnish to the District, within a reasonable time established by the District:
 - a. Any information that the District determines is reasonably necessary to evaluate or take final action on a permit application. [20 DCMR 301.1(b)(5)];
 - b. Any information the District requests to determine whether cause exists to modify, terminate or revoke this permit, or to determine compliance with the terms and

conditions of this permit. [20 DCMR 302.1(g)(5); and

- c. Copies of any record(s) required to be kept by this permit [20 DCMR 302.1(g)(5)].

O. Permit and Application Consultation

Permittee is encouraged to consult with the District personnel at any time concerning the construction, operation, modification or expansion of any facility or equipment; the operation of required pollution control devices or systems; the efficiency of air pollution control devices or systems; applicable requirements; or any other air pollution problem associated with the installation.

P. Permit Availability

A copy of this permit will be available at Permittee at all times. A copy of this permit will be provided to the District upon request [20 DCMR 101.1].

Q. Permit Renewal, Expiration and Reopening

This permit expires five (5) years after its effective date. [20 DCMR 302.1 (b)], and it may be renewed and reopened before it expires pursuant to 20 DCMR 303.

- a. Permittee's right to operate ceases on the expiration date unless a complete permit renewal application has been submitted to the District not later than six (6) months prior to the expiration date. [20 DCMR 301.1(a)(4) and 303.3(b)].
- b. If a timely and complete application for renewal of this permit is submitted to the District, but the District, through no fault of Permittee, fails to take final action to issue or deny the renewal permit before the end of the term of this permit, then this permit shall not expire until the renewal permit has been issued or denied. [20 DCMR 303.3(c)].

R. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege to Permittee. [20 DCMR 302.1 (g)(4)]

S. Severability

The provisions of this permit are severable. If any part of this permit is held invalid, the remainder of this permit shall not be affected thereby and shall remain valid and in effect. [20 DCMR 302.1(f)]

T. Economic Incentives

This permit shall require no revision under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit. [20 DCMR 302.1(i)]

U. Section 502(b)(10) Changes

Permittee is expressly authorized to make 502(b)(10) changes without a permit amendment or permit modification, provided that such change is not a modification under any provision of Title I of the act does not include any change in the date of compliance schedule, and does not result in a level of emission exceeding the emission allowed under the permit [20 DCMR 302.8].

V. Off-Permit Changes

Permittee may make changes in its operation or emissions not addressed in this permit without obtaining an amendment or modification of this permit subject to the requirements and restrictions in 20 DCMR 302.9.

1. The change must meet all applicable requirements and not violate any existing permit term or condition.
2. Permittee must provide contemporaneous written notice of the change to the Mayor and the Administrator. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
3. Permittee shall keep a record describing all changes at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.
4. Permittee may not make, without a revision of its permit, a change that is not addressed or prohibited by its permit if such change is subject to any requirements under Title IV of the Act or is a modification under any provision of Title I of the Act.

W. Risk Management

Should Permittee, as defined in 40 CFR part 68.3, becomes subject to part 68, then the owner or operator shall submit a risk management plan (RPM) by the date specified in part 68.10 and shall certify compliance with the requirements of part 68 as part of the annual compliance certification required by 40 CFR part 70 or 71. [20 DCMR 302.1(d)]

X. Protection of Stratospheric Ozone

1. Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82 Subpart E [20 DCMR 399.1 applicable requirements “K”]:
 - a. All containers in which a Class I or Class II substance is stored or transported, all products containing a Class I substance, and all products directly manufactured with a process that uses a Class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106;
 - b. The placement of the required warning statement must comply with the requirements pursuant to §82.108;
 - c. The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110; and
 - d. No person may modify, remove or interfere with the required warning statement except as described in §82.112.
2. Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F:
 - a. Persons opening appliances for maintenance, service, repair or disposal must comply with the prohibitions and required practices pursuant to §82.154 and §82.156;
 - b. Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158;
 - c. Persons maintaining, servicing, repairing or disposing of appliances must be certified by an approved technician certification program pursuant to §82.161;
 - d. Persons maintaining, servicing, repairing or disposing of appliances must certify to the Administrator of the U.S. Environmental Protection Agency pursuant to §82.162;
 - e. Persons disposing of small appliances, MVACs and MVAC-like appliances, must comply with the record keeping requirements pursuant to §82.166;
 - f. Owners of commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156; and
 - g. Owners or operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
3. If Permittee manufactures, transforms, destroys, imports or exports a Class I or Class II

substance, the Permittee is subject to all the requirements as specified in 40 CFR part 82, Subpart A (Production and Consumption Controls).

4. If Permittee performs a service on a motor vehicle that involves an ozone-depleting substance refrigerant or regulated substitute substance in the MVAC, then Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B (Servicing of Motor Vehicle Air Conditioners).
5. Permittee may switch from any ozone-depleting substance to any alternative that is listed as acceptable in the Significant New Alternatives Policy (SNAP) program promulgated pursuant to 40 CFR Part 82, Subpart G.

Y. Miscellaneous Activities

1. Emissions from the miscellaneous activities must be reasonably estimated, and Permittee report the estimated emissions in the annual emission statement on which fee payment is based [20 DCMR 500].

Z. Permit Shield

None granted [20 DCMR 302.6]

AA. Alternative Operating Scenarios

Not Applicable [20 DCMR 302.1(j)]

AB. Emission Trading and Averaging

Not Applicable [20 DCMR 302.1(k)]

PREPARED BY:

Abraham T. Hagos
Environmental Engineer
(202) 535-1354

Date _____

AUTHORIZED BY:

Stanley C. Tracey, Chief
Engineering & Planning Branch
(202) 535-2990

Date _____

Donald E. Wambsgans, II
Program Manager; Air Quality Division
(202) 535-2255

Date _____